SPCL
E
357
R35

274347

SPECIAL COLLECTIONS
LIBRARY
BROCK UNIVERSITY

MR. RANDOLPH'S SPEECH

on the

BRITISH WAR.

House of Representatives of the United States.

Washington, May 12, 1812.

SOON after the House met, Mr. Fisk moved that "when the House adjourn it adjourn to meet on Monday next." Which having been carried, he then immediately moved that the House do now adjourn. Negatived by a small majority.

MR. RANDOLPH said that rumors to which he could not shut his ears [of an intended declaration of war on Monday next, with closed doors] and the circumstance which had just passed under the eye of the House [alluding to the motion to adjourn] impelled him to make a last effort to rescue the country from the calamities which, he feared, were impending over it. He had a proposition to submit, the decision of which would affect vitally the best interests of the nation. He conceived himself bound to bring it forward He did not feel himself a free agent in the transaction. He would endeavor to state as succinctly as he could the grounds of his motion, and he humbly asked the attention of every man whose mind was at all open to conviction, of every man devoted to the cause of his country, not only in that house, but in every rank and condition of life throughout the state.

The motion which he was about to offer grew out of certain propositions, which he pledged himself to prove; nay, without an abuse of the term, to *demonstrate*.

The first of these propositions was, that the Berlin and Milan decrees were not only, *not repealed*, but that our government had furnished to the House and to the world unequivocal evidence of the fact. The difficulty in demonstrating this proposition arose rather from his embarrassment in selecting from the vast mass of evidence before him, than in any deficiency of proof: for if he were to use all the testimony that might be adduced, he feared his discourse would grow to a bulk not inferior to the volume he held in his hand. He would refer the House to the correspondence generally of Mr. Russel, our agent at Paris, accompanying the President's message of the present session. He referred to the schedule of American vessels taken by French privateers since the first of November, 1810, [the period of the alleged repeal of the French decrees:] of these, it was worthy of remark, that "the Robinsonova, from Norfolk to London, with tobacco, cotton and staves; the Mary Ann, from Charleston to London, with cotton and rice: the General Eaton, from London to Charleston, in ballast; the Neptune, from London to Charleston, also in ballast; the Cato, from London to Philadelphia, with English manufactures; the Zebra, from Boston to Tarragona, [*then in possession of the Spaniards*] with staves; all coming under the operation of the French decrees, and *seized since the 2d of November*, 1810, had not been

restored on the 14th of July last:" and that the only two vessels named in that schedule, which had been restored, viz. the two Brothers from Boston to St. Maloes, and the Star from Salem to Naples (the one a port in France, the other virtually a French port) did *not* come within the scope of the Berlin and Milan decrees. Indeed, the only cases relied upon by Mr. Monroe to prove the repeal of the French decrees, are those of the Grace Ann Green and the New Orleans Packet. On the first of these no great stress is laid—because, having been captured by an English cruizer, she was retaken by her own crew and carried into Marseilles, where consequently the captors became French prisoners of war (See note A.) As well might it be expected, that in case of war between the United States and England, our privateers carrying their prizes into French ports should be proceeded against under those decrees. It was, therefore, on the case of the New Orleans Packet that the principal reliance was placed to shew the repeal of the obnoxious decrees. But even this case established beyond the possibility of doubt, that the Milan decrees of the 23d November and 17th December, 1807, were in force subsequently to the period of their alleged repeal. This vessel hearing at Gibraltar, where she had disposed of a part of her cargo, of the letter of the Duke of Cadore of the 5th of August 1810, suspended her sales, and the supercargo after having consulted with Mr. Hackley the American consul at Cadiz, determined on the faith of that insidious letter, to proceed with the remainder of his cargo to Bordeaux. He took the precaution however to delay his voyage, so that he might not arrive in France before the first of November; the day on which the Berlin and Milan Decrees were to cease to operate.

[Here Mr. Randolph was called to order by Mr. Wright, who said there was no motion before the House. The Speaker overruled Mr. Wright's objection, as the gentleman from Virginia had declared his intention to make a motion, and it had been usual to admit prefatory remarks.]

Mr. Randolph said he would proceed in his argument without deviating to the right or to the left, and he would endeavor to suppress every feeling which the question was so well calculated to excite. "The vessel accordingly arrived in the Garonne on the 14th "of November, but did not reach Bordeaux until the 3d of Decem- "ber. On the 5th of this month the *director of the customs* seized "the New Orleans Packet and her cargo, under the Milan decrees of "the 23d November and 17th December 1807, *expressly set forth*, "for having come from an English port and having been visited by a "British vessel of war. Thus this vessel, having *voluntarily* entered "a French port on the faith of the repeal of the decrees, was seized "under them. These facts, continues Mr. Russell, having been sta- "ted to me by the supercargo, or the American vice-consul at Bor- "deaux, and the principal one, that of the *seizure under the Milan* "decrees being established by the *process verbal*, put into my hands "by one of the Consignees of the cargo, I conceived it to be my duty "not to suffer the transaction to pass unnoticed." This *process verbal* is neither more nor less than the *libel* in the Admiralty court drawn by the law officer of the French Government, agreeably to the laws of the Empire. What should we say to a libel of a vessel by the District Attorney of the U. States, or her seizure by the Custom House Officers, under an act of Congress which had been repealed? The whole of this correspondence proves unequivocally that neither the Custom

House Officers, the courts of Law, nor the French Cruisers, not even the *public* ships of war had ever received notice from their government of the repeal of the Berlin and Milan decrees. This last fact is further substantiated by the remonstrance of Mr. Barlow to the Duke of Bassano of the 12th of March 1812, in the case of the "vessels *captured* and *burnt* by his Imperial and Royal Majesty's ships Medusa and Nymph." It should be recollected that all the decrees of the French Emperor are given strictly in charge to certain public functionaries, who are directed to put them in force. The only authorities to whom the repeal of these decrees was to be a rule of action; the Cruizers, Courts and Officers of the Customs remained profoundly ignorant of the fact. It is to be found no where but in the proclamation of the President of the United States, of the 2d November, 1810. To have "waited for the receipt of this proclamation (says Mr. Russell) in order "to make use of it for the liberation of the New Orleans Packet, ap-"peared to me a preposterous and unworthy course of proceeding; "and to be nothing better than absurdly and *basely* employing the "declaration of the President, that the Berlin and Milan decrees had "been revoked, as the means of obtaining their revocation." They were then not revoked, or surely our minister would not stand in need of *any means for obtaining their revocation.* Proofs multiply on proofs.

"The Custom House Officers of Bordeaux commenced unlading "the New Orleans packet on the 10th December and completed that "work on the 20th, as appears by their *process verbal*, of those dates. "That of the 20th expressly declares that the property was to be "pursued before the Imperial Council of Prizes," [the Court of Admiralty] "at Paris, according to the decrees of the 23d November, and 17th December 1806, or in other words *under "the decrees of Milan.*" Mr. Russell's remonstrance was submitted to the Council of *commerce*, and further proceedings against the New Orleans Packet suspended. "*The papers were not transmitted to the council of prizes*, nor a prosecution instituted before that tribunal; which proves only that the prosecution at law was suspended, not that the laws were repealed—"and the vessel and cargo, on the 9th of January, "were placed at the disposition of the consignees, on giving *bond* to "pay the estimated amount, should it definitively be decided that a con-"fiscation should take place." Recollect that this vessel voluntarily entered a French port on the faith of the repeal of those decrees. She is seized and libelled under them, but after great exertions on the part of the American minister, he obtains from the French Government—what? Proof of the bona fide revocation of the decrees? Nothing like it. A discharge of the vessel? Not at all—the bond represents her—she stands pledged in her full value, in case she should be found to come within the scope of the law; and yet we must believe the law to be repealed! What sort of a release is this? Mr Russell makes a merit of having "rescued this property from the seizure with which it had been visited--'that is, *rescued it from a court of justice;* and of "having placed it in a situation more favorable than that of *many other vessels and cargoes* which continued in a kind of *mortemain*, by the suspension of all proceedings in regard to them." And *this letter* and *this case* is adduced as proof of the repeal of the Berlin and Milan Decrees on the 1st November 1810!

It is true that in a postscript dated the fifth of July (a month subsequent to the date of the letter to which it is appended, and seven months after his remonstrance to the French government) Mr. Rus-

sell states that orders had been given to cancel the bond in question. But surely this is no proof of the revocation of the decrees. Let us see what he says on the 15th of that month. "Altho' I was fully impressed with the importance of an early decision in favor of the captured vessels, *none* of which had been included in the list above mentioned" —[" of 16 American vessels whose cargoes had been admitted by order of the Emperor"—probably under licence] yet I deemed it proper to wait for a few days, before I made an application on the subject. On the 11th however, having learnt at the council of prizes that no new order had been received there"—(that on the 11th of July, 1811, the French Admiralty court had no notice of the repeal of the decrees) "adjudged it to be my duty no longer to remain silent. I therefore on that day addressed to the Duke of Bassano my note, with a list of American vessels captured *since the first of November*. On the 15th I learnt that he had laid this note with a general report before the Emperor, but that his majesty declined taking any decision with regard to it, *before it had been submitted to a council of commerce.*

The house would take into consideration the distinction between the council of *prizes*, an admiralty court bound to decide according to the laws of the empire, and the council of commerce, which was of the nature of a board of trade; charged with the general superintendance of the concerns of commerce; occupied in *devising* regulations, not in *expounding* them; an institution altogether *political*, by no means *judicial*. His majesty then determined to consult his council of commerce, whether from motives of policy he should, or should not grant a special exemption from the operation of his laws. In the same letter learning from the Duke of Bassano that "the case of the brig Good Intent must be carried before the council of *Prizes*," Mr Russell wishes to secure this case from this *inauspicious mode of proceeding*:" that is, from the operation of the law. Why? if the law, so dreaded, was repealed?

"I had from time to time (he continues) informed myself of the "proceedings, in regard to the captured vessels, and ascertained the "fact that the Duke of Bassano had made a report in relation to them. "The Emperor, it appears, however, still wished for the decision of "his *Council of Commerce*." What! to know if his decrees of Berlin and Milan were revoked? was his majesty ignorant of the fact? Can stronger evidence be adduced that they were in force, or can the release (not by the courts of law, but by special executive interference) under *peculiar circumstances*, and after a long detention for violating those decrees, of a *single vessel*, establish the fact of their repeal? On the contrary ought not the solitary exception (granting it to be one) to fortify the general rule?

In passing, it was well worthy of remark that the French minister, being interrogated by Mr. Russell on the subject of our future commercial intercourse with France, "replied that no such communication would be made at Paris, but that Mr. Serrurier would be fully instructed on this head." The House would recollect how much had been expected of Mr Serrurier on his arrival, and how much had been obtained. An Ex Secretary of State even had the temerity to charge the President with having compelled him to desist from putting any interrogatories to the French Minister on his arrival. But be that as it may, one thing is certain, that application having been made to the minister at the requisition of the Senate during the present session, he had declared an entire ignorance of every thing relating to the subject.

To dissipate the last shadow of doubt on the question of the repeal of the French Decrees, Mr. Serrurier, in his letter of July 23, 1811, to the Secretary of State, expressly declares, that " the *new dispo-* " *sitions* of our government, expressed in the supplementary act of " the *2d of March last*, having been officially communicated to his " Court, his imperial majesty, as soon as he was made acquainted " with them, directed that the American vessels sequestered in the " ports of France *since the 2d November*, should be released, orders " were at the same time to be given to *admit American vessels*, la- " den with American produce !"

Under these circumstances, whatever difference of opinion might exist as to the propriety of the President's Proclamation in the first instance, there could be none as to its revocation. As soon as it was ascertained, not only from the proceedings of her cruizers on the high seas, but of her courts of law, and of her government, that France had acted, *malu fide*, towards this country, it surely became the duty of the President to recall that proclamation He could have no doubt of his constitutional power over the subject, having already exercised it in a case not dissimilar. [Erskine's arrangement.] That proclamation was the dividing line of our policy; the root of our present evil. From that fatal proclamation we are to date our departure from that neutral position to which we had so long and so tenaciously adhered, and the accomplishment of the designs of France upon us. In issuing it, the President had yielded to the deceitful overtures of France; and it was worthy of observation how different a construction had thereby been put upon the act of non-intercourse (as it was commonly called) from that of May, 1810—although the words of the two acts were the same. In the first case, a modification of the decrees and orders of the belligerents, so as that they should cease to violate our neutral rights was alone required. In the second, other matter was blended with them, although the words of the two acts were identically the same. This grew out of the insidious letter of the Duke of Cadore, the terms of which were accepted, with the conditions annexed, by the President of the U. States. These conditions presented two alternatives; " That England should revoke her orders in council and abolish those principles of blockade which France alleged to be new, or that the U. States should cause their flag to be respected by the English"—in other words should become parties to the war on the side of France. In order to know what these principles were, the renunciation of which we were to require at the instigation of France, it would be necessary to attend to the language of the French decrees. By these it would not be denied that principles, heretofore unheard of, were attempted to be " *interpolated into the laws of nations*"—Principles diametrically adverse to those which the government of the U. States had repeatedly recognised in their correspondence with foreign powers as well as in their public treaties, to be legitimate and incontestible. The French doctrine of blockade being the only branch of the subject embraced in the Duke of Cadore's letter of the 5th of August 1810, would alone be noticed. These required that the right of blockade should be restricted " to *fortified* ports, invested by sea and by land. That it should not extend to the mouths of rivers, harbors, or places not fortified."

Under such definition the blockade of May 1806, otherwise called Mr. Fox's blockade, stood condemned—but Mr. Randolph had no hesitation in affirming that blockade to have been legal, agreeably to

the long established principles of national law, sanctioned by the U. States. In Mr. Foster's letter of the 3d of July last to Mr. Monroe, he says—"the blockade of May 1806 was notified by Mr. Secretary "Fox on this principle ["that no blockade can be justifiable or valid "unless it be supported by an adequate force destined to maintain "it and to expose to hazard all vessels attempting to evade its oper-"ation"] nor was that blockade announced, until he had satisfied "himself by a communication with the board of Admiralty, that the "Admiralty possessed the means and would employ them of watch-"ing the whole coast from Brest to Elbe and of effectually enforcing "the blockade.

"The blockade of May 1806 according to the doctrine maintained "by Great-Britain was just and lawful in its origin because it was "supported both in intention and fact by an adequate naval force." In a subsequent part of the same letter it is distinctly averred that "that blockade was maintained by a sufficient naval force;" and the doctrine of *paper blockade* is every where expressly disclaimed in the correspondence, here as well as at London. "If (says Mr. Foster) the orders in council should be abrogated, the *blockade of May* 1806, *could not continue under our construction of the law of nations unless that blockade should be maintained by a due application of an adequate naval force.*" The same admission will be found in Marquis Wellesley's correspondence with Mr. Pinkney.

The coast of France from Brest to Calais is what seamen call an iron-bound coast. It had been blockaded in every war during the last century, that short period of the American war excepted, when England lost the mastery of the channel. No British minister would be suffered to hold his place who should fail strictly to watch the opposite coast of France. Brest, her principal naval arsenal, protruded out into the Atlantic Ocean, confessed the want of suitable harbors for ships of war in the channel: while from Plymouth, Portsmouth and the mouth of the Thames the opposite coast is easily watched and overawed. From Calais to the Elbe the coast is low, flat and shelving, difficult of access, affording few good inlets, indeed none except the Scheldt. The blockade of this coast is as easy as that of Carolina. But it must not pass unnoticed that the blockade was in point of fact, (as appears from Mr. Monroe's letters to Mr. Madison of the 17th and 20th of May, 1806) limited to the small extent of the coast between Havre and Ostend; neutrals being permitted to trade, freely, eastward of Ostend, and westward of the mouth of the Seine, "except in articles contraband of war and enemies' property which are seizable without blockade" And Mr. Monroe, in announcing this very blockade of May 16, 1806, to his own government, speaks of it as a measure highly satisfactory to the commercial interests. And yet the removal of this blockade against which Mr. Monroe did not remonstrate, of which there was no mention in the subsequent arrangement of Mr. Erskine, which did not stand in the way of that arrangement, of which no notice was taken in our proposition to England for a mutual abandonment of our embargo and her orders in council, is *now* by French device and contrivance to be made a *sine qua non*, an indispensable preliminary to all accommodation with Great Britain.

Mr. Randolph had heard with sincere satisfaction many respectable gentlemen, in the House and out of it, express a wish, that, by a revocation of the orders in council, the British ministry would put it in the power of our government to come to some adjustment of our

differences with England. The position which he was about to lay down, and the proof of which the course of his argument had compelled him in some degree to anticipate, however it might startle persons of this description, was nevertheless susceptible of the most direct and positive evidence. Little did those gentlemen dream, but such was the indisputable fact, that the orders in council had not stood in the way of accommodation, and that their removal at this moment would not satisfy our administration. In Lord Wellesley's letter to Mr. Pinckney of Dec. 29, 1810, he says—"If nothing more had been re-"quired of Great-Britain, for the purpose of securing the continuation "of the repeal of the French decrees than the repeal of our orders in "council, I should not have hesitated to declare the perfect readiness "of this government to fulfil that condition. On these terms the Brit-"ish government has always been seriously disposed to repeal the "orders in council. It appears, however, not only by the letter of "the French minister, but by your explanation, that the repeal of the "orders in council will not satisfy either the French or the American "governments. The British government is further required by the "letter of the French minister to renounce those principles of block-"ade which the French government alleges to be new"

This fact is placed beyond a doubt, by Mr. Pinkney's answer of the 14th January, 1811. "If I comprehend the other parts of your lord-"ship's letter," says he, "they declare in effect that the British gov-"ernment *will repeal nothing but the Orders in Council.*" And again, "It is certainly true that the American government has required, as indispensable in the view of its acts of intercourse and non-intercourse, the annulment of the British blockade of May 1806."

Thus when the British government stood pledged to repeal its orders in council, a question entirely distinct has been dextrously mingled with it in our discussions with England; the renunciation of the right of blockade, in the face of Mr. Madison's construction of the non-intercourse law, and of Mr. Smith's instructions to General Armstrong of July 5 and 2 November, 1810, has been declared indispensable in the view of that act, and there is the fullest admission that *more* than the repeal of the orders in council was required, viz. of that blockade, against we had not lifted our voice, until required to do so by France, which Mr. Monroe (so far from remonstrating against it, which would have been his duty to have done, if illegal) considers "*as highly satisfactory to the commercial interests.*" A blockade as legal as would be that of the ports of Chesapeake, with a sufficient force stationed in Lynn Haven Bay. What is a legal blockade? A blockade with such a force as renders the approach of merchant vessels dangerous Mark the wonderful facility with which Mr. Pinkney not only blends the question of the blockade of May, 1806, with the repeal of the orders in council; but his disposition to go, *if he could*, the whole length of the French doctrine of blockade; a doctrine unheard of before the reign of Bonaparte. "It is by no "means clear that it may not fairly be contended on principle and "early usage that a maritime blockade is incomplete with regard to "states at peace, unless the place which it affects *is invested by land "as well as by sea.*" And yet in this same letter he says, "You im-"agine that the repeal is not to remain in force, unless the British "government, in addition to the revocation of its orders in council, "abandon its system of blockade. I am not conscious of having stated, "as your Lordship seems so think that this is so, and I believe in fact

"that it is otherwise. Even if it were admitted, however, the orders "in council ought nevertheless to be revoked" The American doctrine of blockade is expressly laid down in Mr. Smith's letter to Commodore Preble, of the 4th of February, 1804. "Whenever therefore "you shall have thus formed a blockade of the port of Tripoli ('so as "to create an evident danger of entering it') you will have a right to "capture for adjudication any vessel that shall attempt to enter with "a knowledge of the blockade." The very same doctrine against which, at the instigation of France, we are now about to plunge into war.

Mr. Randolph said he was compelled to omit many striking proofs of the truth of his positions, from absolute weakness and inability to read the voluminous extracts from the documents before him. If the offer should be made of a repeal of the orders in council, which our people at home, good easy souls, supposed to be the only obstacle, the wound, as after the accommodation of the affair of the Chesapeake, would still remain incurable. He had not touched upon the subject of impressment, because notwithstanding the use which had been made of it in that house and in the public prints, it did not constitute, according to the shewing of our own government, an obstacle to accommodation; (the orders in council and question of blockade being the *avowed* impediments) and because it appears from Mr Monroe's letter of the 28th Feb. 1808 "that the ground on which that interest was pla- "ced by the paper of the British commissioners of Nov. 8, 1806, and "the explanations which accompanied it, *was both honorable and ad-* "*vantageous to the U. States.* That it contained a concession in "their favor on the part of Great-Britain, on the great principle in "contestation, never before made, by a formal, obligatory act of the "government, which was highly favorable to their interests."

In fact the rejection of Mr. Monroe's treaty had alone prevented the settlement upon honorable terms, of *this* as well as every other topic of difference between the two governments.

He called the attention of the House to Mr. Smith's letter to Mr. Armstrong of July 5, 1810, requiring in the name of the President, restitution of our plundered property as a "preliminary to accommodation between the two governments."—"As has been heretofore stated to you, a satisfactory provision for restoring the property lately surprised and seized by the order or at the instance of the French government *must be combined with a repeal of the French edicts* with a view to a non-intercourse with G. Britain; such a provision being an *indispensable* evidence of the just purpose of France towards the U. States!" Yet no restitution had been made: "that affair is settled by the law of reprisal." What had been the language held on this floor and by ministers of state in official communications to committees of congress? "that the return of the Hornet should be conclusive as to our relations with France That if Mr. Barlow should not succeed n attaining the most complete redress for the past, and assurances for the future, we would take the same stand against her as against Great Britain: that any *uncertainty* as to his success, would be equivalent to *certainty* of his failure." Such was the language held until the fact occurred, that no satisfaction had been, or was likely to be obtained. Indeed for some days after the arrival of the Hornet, these opinions had been maintained. They had however gradually died away, and it was only within 48 hours past, that a different language had been held. Was it necessary to remind the house of the shuffling conduct

and policy of France towards us? Of the explanation attempted by *Decres*, the minister of marine in relation to the Berlin Decree and the subsequent annunciation of his government to Mr. Armstrong, with true French *sang froid*, that "as there was no exception of the U. States in the terms of the decrees, so there was no reason for excepting them from their operation" Have we forgotten Champagny's declaration of war in our name? "War exists then in fact between England and the United States, and his majesty considers it as declared."—In short, for years past, France had required us to make war with England as the price of undefined commercial concessions from her. We had been told "that we ought to tear to pieces the act of our independence—that we were more dependant than Jamaica—that we were without just political views, without energy, without honor, and that we must at last fight for interest, after having refused to fight for honor."

France whilst you required of her as a preliminary to further accommodation, the restitution of her plunder decoyed into her ports, required from you, as a preliminary, a war with England. Mr Barlow has now been ten months in France, dancing attendance on her Court without being able to obtain an answer to a few plain questions—Are your decrees repealed?—It is considered as improper to make the enquiry. Instead of the edict, rescript, the instrument of repeal by whatsoever name it be called, he sends us the strictures of the French government upon the proceedings of the American Congress, and a remonstrance to the Duke of Bassano, that the repeal of the Decrees (in which he is compelled to feign a belief, because the President's Proclamation is the sole evidence of the fact) has not been given in charge to the French cruizers, but that the public ships of war (Nymph and Medusa) continue to *burn* our vessels on the high seas. And what does the Duke of Bassano tell him in reply? The same old story of Champagny to Gen. Armstrong—"The U. States will be entirely satisfied on the pending questions, and there will be no obstacle to their obtaining the advantages they have in view, if they succeed *in making their flag safe!*" In other words, make war with England and you will be satisfied [and not until then] on the pending questions. And what are they? on one of them, the required compensation for plunder—your minister after waiting for months for an *oral* answer, tells you, "This is *dull work*, *hard to begin*, and *difficult to execute*." This is the claim too required by Mr Secretary Smith, under the President's order, to be satisfied as a preliminary to the acceptance of the overture of August 5, 1810! It is possible the Wasp may bring out something, just to hush up complaints until we are fairly embarked in war: into which if we enter, it will be a war of submission to the mandates of a foreign Despot—the basest, the most unqualified, the most abject submission. France for years past has offered us terms (without specifying what they were) at the price of a war with England, which, hitherto, we have rejected. That price must now be paid. The Emperor deals only for ready money—and carrying his jealousy further than in the case of the President's Proclamation (which he would not believe until its terms were fulfilled) he requires to be paid in hand before he will name his equivalent.

In the celebrated case of insult by implication or insinuation, offered by Mr. Jackson, there existed in the archives of the country, a monument (such as it was) of the sensibility of this House to that insult.

If under such circumstances, without having received any shadow of indemnity for the past, or security for the future—if indeed security could be given by the French Emperor—the U. States become virtually a party to the war in his behalf, it must confirm beyond the possibility of doubt, every surmise that has gone abroad, however gross, however injurious to the honor or interests of this government—that there exists in our councils an undue, a fatal French bias. After the declarations of official men, after the language uttered on that floor, if the U. States become parties to the war with France against her rival, it must establish as clearly as the existence of the sun above us—this event has not happened and God forbid it should—but if it does, the conclusion will be irresistible and this government will stand branded to the latest posterity, (unless the press should perish in the general wreck of human liberty) as the pandars of French despotism—as the tools, the minions, sycophants, parasites of France. 'Twas to secure the country from this opprobrium that the proposition was about to be submitted.

This is not like a war for a Spanish succession or a Dutch barrier: for the right of cutting logwood on a desart coast, or fishing in the polar sea. It is a war unexampled in the history of mankind—a war,—separated as we are from the theatre of it by a wide ocean—from which it behoves us to stand aloof—to set our backs to the wall and await the coming of the enemy—instead of rushing out at midnight in search of the disturbers of our rest, when a thousand daggers are pointed at our bosoms. But it is said we must fight for commerce—a war for commerce deprecated by all the commercial portion of our country, by New England and New York the great holders of our navigation and capital.

[Mr Calhoun called to order: the question of war was not before the House. It was decided by Mr. Bibb then in the chair, the Speaker having vacated it a few minutes before, that the objection was not valid, as the gentleman from Virginia had announced his intention to conclude with a motion, and it had been usual in such cases to permit a wide range of debate.]

Mr. Randolph thanked the gentleman from South Carolina for the respite which he had unintentionally given him, and which in his exhausted situation was highly grateful. This war for commercial rights is to be waged against the express wish (constitutionally pronounced, spoken in language which cannot be misunderstood) of the great commercial section of the United States—a war which must cut up commerce by the roots, which in its operation must necessarily drive population and capital beyond the mountains.

Mr. Calhoun said he would give the gentleman from Virginia another opportunity to rest himself. He repeated his call to order and the Speaker decided that the motion must be submitted, reduced to writing and seconded. [Thus reversing his own and Mr Bibb's previous decision.] An appeal was taken from this decision and it was affirmed, Ayes 67, Noes 42.

Mr. Randolph then said, that under the compulsion of the House he submitted his motion.

"*Resolved*, that under existing circumstances it is inexpedient to resort to War against Great Britain."

The motion was accordingly handed to the chair, and being seconded, Mr. Randolph was proceeding to argue in support of it when Mr Calhoun again interrupted him on the ground that a vote must be taken (without debate) "*to consider the motion.*" The Speaker decided that this was not necessary—and Mr. Randolph after thanking the speaker for this decision was recommencing his observations, when the objection being repeated, the Speaker said he had given a hasty opinion and reversed his decision. The vote to consider the motion was then put and negatived, ayes 37 noes 72. Which put a period to all further discussion.

NOTE (A.)

"All the vessels mentioned in the list (of admitted vessels) except the Grace Ann Green, had come direct from the United States without having done or submitted to any known act, which could have subjected them to the operation of the Berlin and Milan Decrees, had those decrees continued in force. The Grace Ann Green stopped at Gibraltar, and in proceeding thence to Marseilles was captured by an English vessel of war. The Captain of the Grace Ann Green, with a few of his people, rose upon the British prize crew, retook his vessel from them, and carried her and them into the port to which he was bound.

"The Captain considered this recapture of his vessel as an act of resistance to the British Orders in Council, and as exempting his property from the operation of the French decrees, professedly issued in relation of those orders. He likewise made a merit of delivering to this government nine of its enemies to be treated as prisoners of war. His vessel was liberated in December, and his cargo the beginning of April last, and there is some difficulty in precisely ascertaining whether this liberation was predicated on the general revocation of the Berlin and Milan Decrees, or on a special exemption from them, owing to the particular circumstances of the case.

"It may not be improper to remark that no American vessel captured since the 1st of November has yet been released or had a trial."

[See Mr. Russell's letter of the 8th May, 1811, to the Secretary of State.]

(B.)

Extract of a letter from Mr. Smith to General Armstrong, date November 2d, 1810.

You will herewith receive a printed copy of the proclamation, which conformably to the act of Congress has been issued by the President on the revocation of the Berlin and Milan Decrees. You will however let the French government understand that this has been done on the ground that these decrees do involve an extinguishment of all the edicts of France actually violating our neutral rights and that the reservations under the expression "it being understood" are not conditions precedent affecting the operation of the repeal, and on the ground also that the United States are not

pledged against the Blockades beyond what is stated in my letter to you of the 5th of July. It is to be remarked moreover that in issuing the proclamation that the *requisition contained in that letter on the subject of the sequestered property, will have been satisfied.*"

(This requisition is yet *unsatisfied.*)

General Armstrong to Mr. Pinkney. January 25, 1810.

The only conditions required for the revocation by his Majesty the Emperor, of the Decrees of Berlin, will be a *previous* revocation by the British Government of her Blockades of France, [illegible] or *part* of *France,* [*such* as that from Elbe to Brest, *&c.*] anterior to that of the aforesaid decree."

This is the Duke of Cadore's answer to Gen. Armstrong's enquiry.

Mr. Pinkney to General Armstrong. London, September 3, 1810.

"Your letters concur in representing (with perfect propriety, I think) that the revocation of the Berlin and Milan Decrees is to take effect *absolutely* after the first of November, and I have so put it to the British Government.

Mr. Pinkney to Lord Wellesley. September 21, 1810.

It is my duty to state to your Lordship that an annulment of the blockade of May, 1806, is considered by the President to be as indispensable in the view of that act [the act of May 1, 1812] as the revocation of the British Orders in Council.

Duke of Cadore to Gen. Armstrong. September 12, 1810.

" The principles of *reprisal* must be the law in that affair." (Of the sequestered property.)

Extract of a letter from Mr. Barlow to the Duke of Bassano, dated February 6, 1812.

MY LORD,

I understand the brig Belisarius of New York, capt. Lockwood, and her cargo is about to be confiscated, after a report made to his majesty, because this vessel and her cargo are *liable to the decrees of Milan of the 17th December,* 1807.

3 9157 00000731 3

Spcl
E
357
R35

BROCK UNIVERSITY
ST. CATHARINES, ONTARIO

LIBRARY

FOR USE IN SPECIAL COLLECTIONS ONLY